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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,311	09/17/1998	MASAHIKO SAKAYORI	B588-010	9920

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Applicati n No.</b>	<b>Applicant(s)</b>	
	09/156,311	SAKAYORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60,62-65,67,69,70,79 and 82-96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60,62-65,67,69,70,79 and 82-96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 12<sup>th</sup>, 2003 has been entered.

***Response to Amendment***

2. This is in response to an amendment file on June 12<sup>th</sup> 2003. In the amendment, claims 60, 62-65, 67, 69-70, 79, 82-83, 90 and 96 have been amended, claims 61, 66, 78, 80 and 81 have been canceled, and no claim has been added. Claims 60, 62-65, 67, 69-70, 79 and 82-96 remain pending in the letter.

***Claim Objections***

3. Claim 67 objected to because of the following informalities: claim 67 discloses "*the method*". Applicant is advised to replace "the" by "A" in order to overcome Examiner's objection.

4. Claim 96 objected to because of the following informalities: claim 96 discloses "*the storage medium*". Claim 96 depends on claim 83 which discloses "*a system,*" not "*a storage*

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*medium.*” Applicant is advised to make appropriate correction in order to overcome Examiner’s objection.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 60, 62-65, 67 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 60, 67 and 67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that the limitation “*wherein said display control displaying such as the management items included in the icon are not displayed, in case where the order received or the orders placed are not in existence or display the icon*” is unclear in that it fails to point out what is included or excluded by the claim language.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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9. Claims 67 and 79 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 67 and 79 recites a *display means* ... However, a method claim should not recite “*means*” plus function. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 60, 62-65, 67, 69-70, 79 and 82-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (U.S. 6,324,522) in view of Wiecha (U.S. Patent No. 5,870,7176).

12. As per claims 60, 67, 69, Peterson et al teach a system/method/ and a medium (*electronic information network for invention control*) for managing order received from a first shop and order placed with a second shop (*new orders, orders processed, orders in process*) (see abstract, fig. 14, 18, column 4 lines 27-5 lines 17), comprising communication means for communicating data indicating statuses of orders received and placed (*new orders, orders in process*), control display of a combination of management items and data indicating a status of the management items included in the icon which are for discriminating the orders received and the order s placed (see column fig 15, column 23 line 5-60). Peterson et al fail to teach an inventive concept of

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display control means for controls display on displaying such as management items in the icon are not displayed, in case where the orders received or the orders placed are not in existence, and displays the icon. However, Weicha teaches an inventive concept of display control means for controls display on displaying such as management items in the icon are not displayed, in case where the orders received or the orders placed are not in existence, and displays the icon (*see abstract, fig 6, 7, and 12, column 2 lines 38-49, 10 lines 38-44*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson et al's inventive concept to include Wiecha's inventive concept of display control means for controls display on displaying such as management items in the icon are not displayed, in case where the orders received or the orders placed are not in existence, and displays the icon because this would have enhanced the system by providing a greater dynamic inventory and distribution method and system.

13. As per claim 62, Peterson et al teach a system wherein the data indicating a status of the management item is a number of processed orders or orders placed corresponding to a management item (*see fig 14, column 34 lines 59-35 lines 40*).

14. As per claim 63, 64, Peterson et al teach a system wherein the management items is displayed as and capable of being added, changed or deleted (*see column fig 15, column 23 line 5-60*).

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15. As per claim 65, Peterson et al teach a system wherein the data indicating a status of the management item is updated upon downloading (*see column fig 15, column 23 line 5-60*).

16. As per claims 70, 79 and 82, Peterson et al teach a system/method/ and a medium for managing orders received and orders placed for parts (*electronic information network for invention control*) (*see abstract, fig. 14, 18, column 4 lines 27-5 lines 17*), first display control means for controlling a first display of a plurality of items indicates current statues of an order received and/or and order placed (*statuses of statuses*), selection means for allowing selection of management items out or the displayed plurality of management items for the order received or placed (*see column fig 15, column 23 line 5-60*). Peterson et al fail to teach an inventive concept of a second display control means for controlling second display on display means of data corresponding to the plurality of management items selected by the selection means daily data in a form of a graph wherein the first axis representing data, a second axis representing the selected items and a third axis representing the number or orders received and/or placed together with the management of item controlled to be displayed by the first display control means. However, Weicha teaches an an inventive concept of a second display control means for controlling second display on display means of data corresponding to the plurality of management items selected by the selection means daily data in a form of a graph wherein the first axis representing data, a second axis representing the selected items and a third axis representing the number or orders received and/or placed together with the management of item controlled to be displayed by the first display control means (*see abstract, fig 6, 7, and 12, column 2 lines 38-49, 10 lines 38-44*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify Peterson et al's inventive concept to include Wiecha's inventive concept of a second display control means for controlling second display on display means of data corresponding to the plurality of management items selected by the selection means daily data in a form of a graph wherein the first axis representing data, a second axis representing the selected items and a third axis representing the number or orders received and/or placed together with the management of item controlled to be displayed by the first display control means because this would have enhanced the system by providing a greater dynamic inventory and distribution method and system.

17. As per claim 71, Peterson et al teach a system wherein the data corresponding to the plurality of management items are numbers or orders and second display control means control display of the number or order (*see fig 14, column 34 lines 59-35 lines 40*)

18. As per claim 72-75, Peterson et al teach a system further comprising input means inputting and initial data for setting up a graph and the number of days setting a period in the graph (*see fig 14, column 34 lines 59-35 lines 40*).

19. As per claim 83, 90 and 96, Peterson et al teach a system of when an item is selected allowing to additionally select a management item order than the selected management item using contents display by the second display control step (*see fig 14, column 34 lines 59-35 lines 40*).



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20. As per claim 84, 85, 91, 92, Peterson et al teach a system wherein the display control mean controls display of a combination of an item indicative of an order placed or an order received and an icon (*see column fig 15, column 23 line 5-60*).

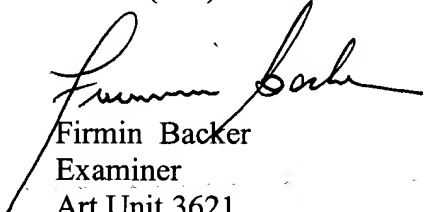
21. As per claim 86-88, 93-95, Peterson et al teach a system wherein the display control means comprises a function for displaying a selected management item out of the management of the management items together with a management in the form of table, and for changing the position on the display mean (*see fig 14, column 34 lines 59-35 lines 40*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Firmin Backer  
Examiner  
Art Unit 3621

June 26, 2003